

IN THE HIGH COURT OF UTTARANCHAL AT
NAINITAL
WRIT PETITION No. 1453 (SS) of 2004

Manmohan Chandola,
S/o Mr. K.R. Chandola,
R/o Near District Employment Exchange Office,
Uttarkashi. Petitioner.

Versus

1. State of Uttaranchal, through its Secretary, Education.
 2. State of Uttaranchal, through its Director, Education.
 3. Deputy Director Education (Services), Education Directorate Uttaranchal Dehradun.
- Respondents.

Hon'ble Rajesh Tandon, J.

Heard Sri Ashish Joshi, Advocate for the petitioner and Standing Counsel for the respondents.

2. By the present writ petition, the petitioner has prayed for a writ of mandamus commanding the respondents to promote the petitioner on the post of Head Master of the Govt. Inter College from the date, when the junior to him has been promoted on the post of Head Master.

3. Subsequently, after filing the writ petition, fresh orders have been passed on 16th July, 2005 as well as on 25th May, 2006.

4. On the basis of separate orders passed, the petitioner has sought amendment in the writ petition. The amendment cannot be allowed at this stage as the writ petition was filed in the year, 2004 for a writ of mandamus alone and fresh orders have been passed which are sought to be amended by praying for the writ of certiorari, which will change the cause of action and the same can be done only by way of separate writ petition. In view of above, amendment application No. 10703 of 2006 is rejected.

5. Since fresh orders have been passed, therefore, the remedy lies with the petitioner to challenge the said order by way of separate writ petition.

6. In view of the aforesaid, writ petition is dismissed on the ground of alternative remedy for filing fresh writ petition.

7. No order as to costs.

(Rajesh Tandon,J.)

28.08.2006
Rathour

